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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Scott McKay
Application No.:	09/818272
Filed:	March 27, 2001
For:	Improved Method for Treating Water To Be Provided to an Animal
Examiner:	Peter A. Hruskoci
Group Art Unit:	1724

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: E16.2-9670-US02

DECLARATION OF SCOTT MCKAY**PURSUANT TO 37 C.F.R. 5132**

1. My name is Scott McKay and I am the inventor of application serial no. 09/818272.
2. I received a B.S. in Mathematics and Chemistry in 1961 from Texas A & M University.
3. I work in the area of non-chemical water treatment and have done so since 1990. I consider myself to be a person of ordinary skill in the art related to the subject matter of application serial no. 09/818272.
4. During the development of a water treatment system for water cooling towers, which is the subject matter of application serial no. 09/818272, I experimented with numerous electrodes for the purpose of creating nascent oxygen, molecular oxygen, ozone, hydroxyl and perhydroxyl radicals, and hydrogen peroxide in the treatment of the water. I used both coated and uncoated electrodes, but none worked for water treatment in cooling towers, which involves a very harsh high PH environment and much different from other water treatment environments.

Declaration of Scott McKay
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5. I eventually enlisted the aid of Eltech Systems Corp of Chardon, Ohio, a company which consults on and manufactures specialized electrodes for multiple purposes and are experts in the field of coated electrodes used in water treatment. After consulting with them about my specific need for a specialized electrode which functions in a high PH cooling tower environment, they informed me that they did not know what would work in the environment I described. To them, the solution was clearly not obvious.

6. Nevertheless, I had them provide me with a number of different types of electrodes so that I may continue my experimentation. After testing the different types of electrodes, I found that none of them worked in the harsh environment of cooling towers, save one. Surprisingly, after testing several different types, one did work. The one that worked, and which is the subject of application serial no. 09/818272, was a titanium electrode which has been coated with ruthenium.

7. I further declare that all statements made herein of my knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 10-03-05

By: 
Scott McKay

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